IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 14347 of 2005

Between:

B.Suryanarayana Murthy, s/o B.Venkateswarlu,
r/o 3-5-1093/15/A, Venkateswara Colony,

Narayanaguda, Hyderabad.

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation

of Hyderabad, Tankbund Road, Hyderabad.
2 The Assistant City Planner, Circle-III,

Municipal Corporation of Hyderabad, Abids,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction more particularly one in the nature of writ of certiorari to call for the records pertaining to the impugned notice with Sl.No.17, Book No.110 dated 2-7-2005 of the first respondent posted on existing structure at 4.00 P.M. ON 2-7-2005 and quash the same after declaring the same after declaring the same as illegal, arbitrary against principles of natural justice, contrary to the provisions of the HMC Act and Supreme Court decisions, and consequently direct the respondent not to interfere with the existing construction raised by the petitioner of G + 3 floors with valid permission in the interest of justice and be pleased to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.E.NARSIMHA SWAMY

Counsel for the Respondent Nos.1 and 2: MR.RAMA RAO GHANTA

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner, being aggrieved by the impugned notice dated 02.07.2005, issued by the 1st respondent under Section 636 of the Hyderabad Municipal Corporation Act, 1955.

The petitioner alleged to be the absolute owner and the possessor of the property bearing No.3-5-1093/15/A, admeasuring 541 sq.yards, situated at Narayanaguda, Hyderabad and he made constructions with due permission of the 1st respondent Corporation. It is stated that when the respondent authorities threatened to demolish the constructions without issuing any notice, the petitioner approached the civil Court and filed O.S.No.1091 of 2005 on the file of the Court of the V Senior Civil Judge, City Civil Court, Hyderabad. It is further stated that the petitioner has also filed an interlocutory application in I.A.No.882 of 2005 along with the suit, seeking interim injunction against the respondent herein, and the learned Senior Civil Judge granted 'status-quo' to be maintained by both parties and the matter is pending for consideration. In the meanwhile, the respondent, without obeying the Court Orders, issued the impugned notice. Therefore, the petitioner is constrained to approach this Court through this writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent.

The learned standing counsel for the respondent Corporation fairly submitted that by mistake the impugned notice was issued without having knowledge of the status quo order, passed in I.A.No.882 of 2005 in O.S.No.1091 of 2005. He further submitted that after issuing the impugned notice, the respondent Corporation realized the fact of status quo order pending. The learned standing counsel also submitted that the respondent Corporation would not take any action against the

constructions of the petitioner till raising of the status quo order, pending in I.A.No.882 of 2005 in O.S.No.1091 of 2005 on the file of the Court of the V Senior Civil Judge, City Civil Court, Hyderabad.

Recording the above submissions made by the learned standing counsel for the respondent Corporation, the Writ Petition is disposed of. No order as to costs.

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ELIPE DHARMA RAO,J

Dated: 04.07.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner,

The Municipal Corporation of Hyderabad,

Tankbund Road, Hyderabad

2. The Assistant City Planner, Circle-III,

Muncipal Corporation of Hyderabad,

Abids, Hyderabad

3. Two CD copies

*Form-NIC-OGS/WP{**RS**}*